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Security Council

Sixty-eighth year

Provisional

6938th meeting
Thursday, 21 March 2013, 3 p.m.
New York

President:	Mr. Churkin	(Russian Federation)
Members:	Argentina	Mr. Oyarzábal
	Australia	Mr. Bliss
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	France	Mr. Araud
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Tarar
	Republic of Korea	Mr. Shin Dong Ik
	Rwanda	Mr. Kayinamura
	Togo	Mr. Kandangha-Bariki
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mr. DeLaurentis

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the United Nations Mission in South Sudan (S/2013/140)

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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the United Nations Mission in South Sudan (S/2013/140)

The President (*spoke in Russian*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of South Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Hilde Johnson, Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2013/140, which contains the report of the Secretary-General on the United Nations Mission in South Sudan South Sudan.

I now give the floor to Ms. Johnson.

Ms. Johnson: I thank you, Sir, for this opportunity to brief the Council today. I would like to briefly revisit the main elements of the report of the Secretary-General before the Council today (S/2013/140) and then focus my remarks on the most recent operational developments, as well as key political considerations related to mandate implementation.

Since my last briefing to the Council by videoconference on 28 November last year, South Sudan's transition towards a stable, viable State continued at an uneven pace. During the period covered by the report, South Sudan continued to face multiple challenges, while progress was achieved in some areas.

Relations with the Sudan remained tense, although the 8, 12 and 19 March agreements on the implementation of the 27 September Cooperation Agreements could significantly improve the situation in the coming months. An easing of some of the economic austerity measures, with a restart of oil production, would definitely help create an environment conducive to progress on other crucial political and security issues. Internal security challenges, in particular intercommunal violence in several areas and the activities of armed groups in Jonglei, Upper Nile and Unity states, continue to be a source of instability and pose grave threats to the civilian population. Land disputes also remain a potential source of insecurity in the country.

Recent spates of violence in Jonglei and Western Bahr el-Ghazal states have further highlighted the importance of the protection of civilians mandate assigned to the United Nations Mission in the Republic of South Sudan (UNMISS). In Western Bahr el-Ghazal, some 5,000 civilians fleeing from intercommunal violence in Wau, in December, sought refuge in the UNMISS camp. Similarly, in Pibor county, Jonglei state, hundreds of civilians sought protection in UNMISS bases on many occasions when there were clashes between the Sudan People's Liberation Army (SPLA) and armed groups. The largest numbers were around 3,000 on 27 January and 1,800 on 6 March. It is important to note that, while the Pibor County Commissioner had designated a safe area where he said the SPLA would protect civilians, the population chose to come to the two UNMISS bases in the town. We have just received a message today about a similar message in Gumuruk, south of Pibor, where civilians also sought refuge with our contingents.

The situation in Jonglei state remains a source of major concern and presents complex challenges for both UNMISS and the Government. The Government remains committed to finding a peaceful solution to the threat posed by David Yau Yau's armed group, but has made it clear that the window for dialogue is closing and that military operations may soon be launched. Although the Government is committed to doign its utmost to protect civilians during such operations, the civilian population can be at risk from being caught in the crossfire. We have stressed that any military response to insecurity must secure the protection of civilians, in accordance with international humanitarian and human rights law.

Another source of concern is the intercommunal tension created by the 8 February deadly attack on a Lou Nuer community in the Walgak area, which was migrating to a dry season grazing area. The deadly attack, allegedly perpetrated by armed youth from the Murle community, resulted in the killing of over 100 civilians and a number of escorting SPLA troops. Local

and political leaders, including the Vice-President and several ministers who visited the area, have been engaged in efforts to convince the Lou Nuer youth not to resort to revenge attacks but to allow the SPLA and the police to address the problem. In the meantime, UNMISS has conducted a human rights investigation into the Wangar attack. A report into its findings will be published later this month.

UNMISS has developed contingency plans for possible Jonglei state scenarios. The Mission has strengthened its troop presence and increased the number of integrated civilian-military patrols to identify the locations of potential attacks, and continues to engage the vulnerable communities and support efforts to find a peaceful solution. We also continue to urge the Government to address the root causes of violence and chronic instability in the State.

In relation to the violence that broke out in Wau, Western Bahr el-Ghazal, in December, a number of disturbing arbitrary detentions were registered. I have raised this concern with national and state authorities and urged that due process be respected. All perpetrators should be held to account. I have also called for intercommunal reconciliation.

Increased reports of threats to freedom of expression and respect for human rights in South Sudan are worrying. We have impressed upon the Government that it must take immediate steps to reverse this trend and have pressed for the investigation into the December 2012 killing of the columnist Isaiah Abraham to be expedited and the perpetrators to be brought to justice. On a positive note, the Minister of Information and Broadcasting has committed to the United Nations plan of action for freedom of expression and the protection of journalists — initiated by UNESCO and supported by UNMISS and the Office of the High Commissioner for Human Rights — and has agreed to seek the Council of Ministers' approval for South Sudan to become a pilot country.

While investigating the case of a South Sudanese journalist under threat, two UNMISS human rights officers were held and interrogated for several hours in January. UNMISS immediately protested at the highest levels, and measures are now being worked out between UNMISS and the relevant security institutions to prevent a recurrence of such incidents. President Salva Kiir Mayardit has also pledged that he will take action against undisciplined elements within the security organs.

Another welcome development is the establishment by the Government of a high-level panel to address the problem of arbitrary/prolonged detention. The panel is chaired by the Chief Justice, and includes the SPLA and the Ministers of Justice, National Security, the Interior and Defence. Also positively, South Sudan recently signed the African Charter on Human and People's Rights, but the Government should now fulfil its commitment to the accession and ratification of this and other key human rights instruments.

The persistent violence and instability in South Sudan are deeply rooted. Historical animosities among communities, dating from the civil, and old divisions and power struggles among political protagonists are pervasive. New tensions are emerging from old wounds. These all need to be addressed. Hence, the Government's initiative to launch a process of national reconciliation and healing is welcomed. It is essential, however, that this important process be inclusive and broadly owned by all stakeholders. To this end, the United Nations system is working closely with all stakeholders in supporting the preparations for the reconciliation process.

The humanitarian situation in South Sudan remains challenging. There is a constant stream of refugees arriving in South Sudan from Southern Kordofan and Blue Nile in the Sudan, with over 14,000 new arrivals thus far in 2013. Meanwhile, humanitarian actors have continued to report access issues, the presence of weapons in the camps, and other impediments to their work. The proliferation of weapons caused clashes between the police and armed elements in Yida refugee camp on 17 March. Returnees from the Sudan continue to face difficulties with sustainable reintegration, as mentioned in the Secretary-General's report.

Despite these many challenges, South Sudan continues to lay the foundations for a viable and democratic State. Progress has been made, and let me go through a few key areas.

The democratic foundations of this new and independent country have been established with a proper legal framework for multiparty democracy and elections and concomitant functioning institutions. The work on reviewing the Transitional Constitution is now also gaining momentum. On 26 February, the National Legislative Assembly approved an amendment to the

Transitional Constitution that extended the mandate of the National Constitutional Review Commission by two years. The extension will ensure that the Commission has sufficient time to conduct broad nationwide consultations down to the county level, and implement its mandate.

Police reform has continued through implementing the action plan and scaling up the training of police at all levels. The registration of all police personnel, which should greatly facilitate the right-sizing, training and transformation of the South Sudan National Police Service (SSNPS), is now complete. To date, the provisional number of registered police personnel stands at 46,427, after the rescreening that revised earlier figures. The SSNPS is now reconciling the registered figures with the payroll for each State in order to weed out ghost police officers.

Furthermore, in support of reform of the security sector, reshuffle has taken place in the SPLA and the SSNPS, replacing a number of senior military and police officers with younger officers. This is part of an overall modernization and professionalization effort. UNMISS continues to provide training to the SSNPS and has developed proposals for contributing to the development of the capacity of the SPLA to protect civilians. In January, countrywide consultations on the draft national security policy were launched by the Government. UNMISS is working with international partners to provide technical and logistical support to this process.

Meanwhile, the National Disarmament, Demobilization and Reintegration Commission Council has been established and a pilot disarmament, demobilization and reintegration (DDR) programme is set to be launched at Mapel on 15 April. With progress on disengagement from the border areas, it is hoped that DDR and security sector reform will gather momentum. The National Legislative Assembly has become more assertive in carrying out its role with stronger checks and balances, and more actively performing its oversight functions, including its handling of audit reports and budgets and the passage of critical legislation in a number of key areas.

In the continued context of austerity, the Government has taken positive steps to stabilize the country's macroeconomic situation, with reductions in average monthly Government spending by more than 50 per cent. Non-oil revenues increased 10-fold, to about 70 million South Sudanese pounds per month.

However, a large fiscal gap still remains and, pending the resumption of oil flows, a multifaceted donor support package will be required to bridge it. A donors conference to address those issues is scheduled to be held in Washington, D.C., on 16 and 17 April. Even with the full and timely implementation of the agreement on oil, the conference is very important. I ask the Council to lend its full support to the success of the conference.

I regret to inform members that, since my last briefing to the Council, the United Nations operating environment has become more challenging due to a number of grave violations of the status-of-forces agreement by the Government. We are addressing the problem through interventions at the highest levels. We are also launching a sensitization and training programme for all security institutions.

As members are aware, the most egregious violation occurred on 21 December, when SPLA forces shot down an UNMISS helicopter, killing four Russian crew members. We have engaged the Government on the matter at the highest levels to urge a swift and transparent investigation. We have been coordinating closely with the Russian aviation company concerned and with civil aviation authorities to facilitate the investigations in accordance with International Civil Aviation Organization rules. We have also regularly updated the Russian Embassy in Uganda on the investigation process. The Russian Ambassador has expressed his Government's appreciation to UNMISS for its efforts in that regard.

Allow me to conclude by recalling that in both resolutions 1996 (2011) and 2057 (2012), the Security Council determined that the situation faced by South Sudan continued to constitute a threat to international peace and security in the region. That not only refers to the situation between South Sudan and the Sudan. With five other neighbours, the continuing proliferation of weapons in South Sudan has serious implications for regional security and stability. That continues among not only armed militia groups, but also civilian communities in South Sudan that feel vulnerable. Furthermore, South Sudan remains afflicted by internal security and political fault lines, which continue to render the country fragile and which has potential spillover effects. Every effort to mitigate that risk and to

keep South Sudan on a path to stability and prosperity will contribute to the stability of the whole region.

The international community's continued support is needed more than ever. I would like to take this opportunity to thank the Council for its support and its valuable contribution to the work of UNMISS.

The President (*spoke in Russian*): I thank Ms. Johnson for her briefing.

I now give the floor to the representative of South Sudan.

Mr. D'Awol (South Sudan): Allow me, at the outset, to thank you and your country, Mr. President, for the good work done during your presidency of the Security Council this month. I wish you success in discharging your responsibilities. Similarly, we would like to extend our profound gratitude to His Excellency Secretary-General Ban Ki-moon and his Special Representative, Ms. Hilde Johnson, for their continued support and commitment to the Government and the people of the South Sudan through the United Nations Mission in South Sudan (UNMISS). We also welcome this opportunity to share our views with the members of the Security Council and to thank the Secretary-General for his report (S/2013/140). We also thank all the States Members of the United Nations, including members of the Council, for the contribution of troops, civilian personnel and equipment to the Mission.

As the Secretary-General underlines in his report, South Sudan has continued to build its national institutions and to make meaningful progress on several fronts, despite experiencing a considerable number of internal and external challenges.

The extension of the mandate of the National Constitutional Review Commission will allow for meaningful participation by the largest number of our citizens in the constitutional review process. That is a critical ingredient for effective peacebuilding. We would also like to inform the Council that the Government has begun the necessary planning for the 2014 census and the 2015 elections. We welcome the logistical and technical support that UNMISS will provide for those endeavours.

The Secretary-General also makes reference in his report to President Kiir's recent decisions with regard to the leadership of the Sudan People's Liberation Army (SPLA) and the South Sudan National Police Service. Those changes are part of our Government's efforts to engage in serious security sector reform. We welcome the continued support of the international community for that process.

The Government maintains its policy of seeking peace with rebel militias, as a result of which many groups have over the years been successfully absorbed into the SPLA. The Government still faces a threat from a group loyal to David Yau Yau, who, as noted in the Secretary-General's report, has attacked civilians in Jonglei, as well as SPLA positions. An amnesty offer nonetheless remains on the table. Through its support to Murle leaders for their engagement with Murle youths, the Government has invested tremendous energy in pursuit of peace in Jonglei. We would like to express our appreciation to UNMISS for its extensive support for those efforts. There are no easy or immediate solutions in Jonglei. Disarmament alone will not resolve the underlying issues of traditional perceptions and practices among the various traditional communities in those areas.

We recognize that an inclusive, long-term national reconciliation process is sorely needed, and the Government has committed resources to it. The Government welcomes and encourages the continued support of the humanitarian and non-governmental-organization community, both for peacebuilding efforts and for new initiatives aimed at addressing those underlying issues.

With regard to the regrettable incidents of inter-communal violence in Western Bahr el-Ghazal state, the Government of the Republic of South Sudan is completely committed to a process of full accountability. As the Secretary-General notes in his report, steps have been taken to ensure due process for all detainees. UNMISS has also been granted access to detainees in Wau county.

My Government once again expresses its profound regret for the shooting down of an UNMISS helicopter in December 2012. President Kiir reiterates the Government's apologies and condolences to the Government and people of the Russian Federation, as well as to the families of those killed. We expect to complete our investigations into the matter in a timely fashion, and will fully cooperate with the United Nations Secretariat Board of Inquiry. The Republic of South Sudan remains fully committed to guaranteeing the safety, security and unrestricted freedom of movement of United Nations personnel in the country.

We welcome the proposal of UNMISS to engage in the sensitization and training of all security organs on the UNMISS mandate, the status of forces agreement, the privileges and immunities of United Nations personnel and South Sudan's obligations under international law.

It is no secret that the relations between South Sudan and the Sudan have not been satisfactory, despite the fact that the Government of South Sudan has shown flexibility in the post-independence negotiations in Addis Ababa. On 12 March, however, the two countries adopted the implementation matrix in Addis Ababa under the auspices of the African Union High-Level Implementation Panel for Sudan and South Sudan. The matrix contains a clear road map for the implementation of the previous agreements signed. Importantly, a measurable breakthrough with regard to security arrangements has been taken place. The two parties agreed to withdraw their troops unconditionally to their respective sides of the Safe Demilitarized Border Zone. The President of the Republic of South Sudan has already issued an order instructing the army's general chief of staff to immediately draw troops away from the buffer zone. Indeed, as I speak now, our armed forces have started moving to the designated areas away from the buffer zone.

On the issue of the determination of the final status of Abyei and the consideration of establishing the Abyei Referendum Commission, the two parties agreed that the matter should be dealt with at the level of the Presidents of the two countries, South Sudan and the Sudan. It is our sincere hope that the long-suffering people of Abyei will at last have their problems resolved and promptly be able to exercise their right of self-determination.

As the world's youngest nation, South Sudan still faces many challenges. The first 18 months of independence have not always been easy. Developing the structures of Government, establishing State authority and enforcing the rule of law is not the work of one year or even of five years; it is a long-term process. Since the independence of the Republic of South Sudan from the Sudan, our nascent State has confronted enormous tasks of nation-building and development. We concur with the Secretary-General's calls that urge our development partners to provide the prerequisite peacebuilding support for the efforts being undertaken to stabilize the conflict-prone tri-state area of Unity, Warrap and Lakes states. Significant investment by other parties and continued support by UNMISS are required in assisting the Government to project its authority and to develop its capacity to govern those volatile areas.

The President (*spoke in Russian*): There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.30 p.m.